

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: NAE
FILE NUMBER: NAE-2005-2695

REGULATORY PROJECT MANAGER: Rose **Date:** 9/28/05

PROJECT REVIEW/DETERMINATION COMPLETED: In the office X (Y) **Date:** 8/18/05
 At the project site X (Y) **Date:** 8/19/05

PROJECT LOCATION INFORMATION:
 State: Connecticut
 County: Windham, Willimantic, CT
 Center coordinates of site by latitude & longitudinal coordinates: 41° 43' 07" W 72° 14' 18"
 Approximate size of site/property (including uplands & in acres): 14 ac
 Name of waterway or watershed: Shetucket

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream	X								
Dry Wash									
Mudflat									
Sandflat									
Wetlands									
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)	X								
Manmade Pond									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?		X			
Is used to irrigate crops sold in interstate commerce?		X			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or **Approved** X.

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce Connections; and paragraph 4 – site information on waters of the U.S. occurring onsite): For detailed information see 7/28/05 MFR for File

The parcel totals approximately 14+ acres of predominantly industrial use development situated between CT Routes 66 and 32. The 13,389 sf (0.32 acre) pond and drainage feature under consideration originates as a result of the collection of stormwater upslope on and offsite, and leaves the pond via 18" RCP travelling due south/southeast under Recycling Way, daylights as a ditch then is culverted via 24" pipe under CT Route 66 (Willimantic Road) and a rail spur maintained by the Central Vermont Railroad. Portions of the site are designated as Zone X or Zone AE on FEMA Flood Insurance Rate Maps.

A site inspection conducted by Cori Rose and Paul Minkin on August 19, 2005 confirmed the delineation of the pond and associated bordering and contiguous wetlands. The pond is delimited immediately to the north and west by two warehouse storage structures and the remaining property appears to be utilized for the material storage of wood products, in particular utility poles. The pond features a steep bank and is almost completely encircled by broad leaf deciduous trees and shrubs including red maple (*Acer rubrum*), swamp white oak (*Quercus bicolor*), Winterberry (*Illex verticillata*), and cottonwood (*Populus deltoides*). Overflow from the pond, as depicted on the previously referenced plans, is conveyed via pipe under the adjacent roadways and railroad right-of-way to a depressional Palustrine emergent wetland just south of the tracks. Vegetation in this wetland included red maple, sensitive fern (*Onoclea sensibilis*), tussock sedge (*Carex stricta*), skunk cabbage (*Symplocarpus foetidus*), and spotted touch-me-not (*Impatiens biflora*).

Verification of the topography indicated that the palustrine wetland area is isolated receiving runoff from an upland ridge to the south and from the drainage feature discussed above to the north. There is no defined channel leaving the wetland and no hydrological connection to the Willimantic River or its tributaries. Consequently, there does not appear to be a direct hydrological connection to Water of the U.S. that is not in itself a wetland.

The pond is located up to 1400 feet away from the Willimantic River, which appears to be the nearest hydrological connection to a Water of the U.S. It also does not appear to support wetland functions or wildlife habitat that are of ecological significance since it is completely surrounded by developed industrial area and state highway. In addition, the subject drainage feature that travels under the CVRR spur is approximately 700 feet away from the river. For these reasons it is logical to conclude that the wetland and terminating drainage feature is not ecologically adjacent to other Waters of the U.S.

There are no other federal jurisdictional wetlands or waters present at the site